

Docket No. END5244USNP

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants** 

Gregory J. Bakos, et al.

Serial No.

10/729,754 10/723,799 Art Unit: 3736

Filed

December 5, 2003

**Examiner: Not Assigned** 

For

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on

> March 25, 2005 (Date of Deposit)

> > Linda F. Hansen

(Name of applicant, person signing, assignee, or Registered Representative)

March 25 2005

(Date of Signature)

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

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This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required.

| ☐ In a          | accordance with \$1.129(a), this Information        |    |
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| Disclosure Sta  | stement is being filed in connection with $\Box$ th | ıe |
| first or 🗌 seco | ond After Final Submission, therefore:              |    |
|                 | Statement in Accordance with §1.97(e)               |    |
|                 | (attached); or                                      |    |
|                 | Please charge Deposit Account No. 10-               |    |
|                 | 0750/ / the fee of \$180.00 as set for              | th |
|                 | in §1.17(p).  |    |

In accordance with §1.97(c), this Information
Disclosure Statement is being filed after the period set forth
in §1.97(b) above but before the mailing date of either a Final
Action under §1.113 or a Notice of Allowance under §1.311, or
an action that otherwise closes prosecution and that it is
accompanied by one of:

|  | Ш   | (attached); or  |
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|  |   | Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in \$1.17(p).   |
| either a l<br>under §1.<br>Applicant<br>Informatic<br>Accordance | e Stat<br>Final<br>.311 b<br>(s) he<br>on Dis | ecordance with \$1.97(d), this Information tement is being filed after the mailing date of Action under \$1.113 or a Notice of Allowance but before the payment of the Issue Fee. Except petition(s) for consideration of this sclosure Statement. Included are: Statement in \$1.97(e) as set forth below and the fee of forth in \$1.17(p). |
| on the att   | -   | es of each of the non-US patent references listed form PTO-1449 are enclosed herewith.  |
| ☐<br>1449 are €  |   | es of references listed on the attached Form PTO-<br>sed herewith EXCEPT THAT:  |
|  |   | In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.   |
|  |   | If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.   |
| ⊠  | There   | e are no listed references which are not in the   |

English language.

| The relevance of those listed references which are<br>not in the English language is as follows: |  |
|--|--|
| Attached are copies of search report(s) from   |  |
| corresponding patent application(s), which are listed on the                                     |  |
| attached Submission Under MPEP 609 D.  |  |
| Copies of the references listed on the search  |  |
| report(s) are included except the cited U.S. Patents.  |  |
| Attached are the following non-published pending   |  |

listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to

patent applications which may be deemed relevant, which are

Deposit Account No. 10-0750/END5123USNP/GSG.

Respectfully submitted,

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34,3432

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DATED: March 24 2005

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PTO/SB/08A (08-00) Approved for use through 10/31/2002, OMB 0651-0031

Approved for use through 10/31/2002. OMB 0551-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

| a collection of information unless it displays | a valid OMB control number. |
|--|-----------------------------|
| Application Number                             | 10/723,799                  |
| Filing Date                                    | November 26, 2003           |
| First Named Inventor                           | Paul Ritchie et al.         |
| Group Art Unit                                 | 3739                        |
| Examiner Name                                  | Not assigned                |
| Attorney Docket Number                         | END5123USNP                 |

| Initials |                | U.S. Patent Document  Kind Code <sup>2</sup> Number (if known)   |    |  | 2. (2.13.4  |   |
|----------|----------------|--|----|--|---|---|
|          | Cit<br>e<br>No |  |    | Name of Patentee or Applicant<br>of Cited Document | Date of Publication of Cited Document mm-dd-yyyyy | Pages, Columns, Lines,<br>where relevant passages or<br>relevant figures appear |
|          |                | 6,611,793  | B1 | Burnside, et al.                                   | 08-26-2003  | ALL   |
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U.S. PATENT DOCUMENTS

**FOREIGN PATENT DOCUMENTS** Foreign Patent Document Date of Publication Pages, Columns, Lines, of Cited Document where relevant Name of Patentee or passages or relevant Examiner Cit mm-dd-yyyy **Applicant of Cited Document** figures appear Initials 8 Office<sup>3</sup> Number<sup>4</sup> KindCode<sup>5</sup> Νo EP 1201196 Α ALL Ethicon Endo-Surgery, Inc. 05-02-2002 ALL

|           |  |            | <br> |
|-----------|--|------------|------|
| Examiner  |  | Date       |      |
| Signature |  | Considered |      |

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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.



## SUBMISSION UNDER MPEP 609 D

| 10/723,799        |
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| November 26, 2003 |
| Paul G. Ritchie   |
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|                             |                   | U.S. PA   | TENT DOCUMENTS   | 9 . 11      |  |
|                             |                   | Name of Patentee or Applicant of Cited Document | U.S. Patent Docum  |             |  |
| Examiner Cite Initials No.1 | Number (if known) |   | Pages, Columns, Lines,<br>where relevant passages o<br>relevant figures appear |             |  |
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FOREIGN PATENT DOCUMENTS Foreign Patent Document Pages, Columns, Lines, where relevant passages or relevant figures appear Name of Patentee or Examiner Cite **Applicant of Cited Document** Office<sup>3</sup> Number<sup>4</sup> KindCode<sup>5</sup> Initials No.1 wo 99/67156 ALL **BANERIAN KIRK** OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), Cite No.1 Examiner volume-issue number(s), publisher, city and/or country where published Initials\* EPO Search Report dated February 25, 2005 for corresponding patent application, European Patent Application No. EP 04 25 7326 (Atty. Docket No. END5123USNP).

| Examiner  | Date       |  |  |
|-----------|------------|--|--|
| Signature | Considered |  |  |
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